

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: **: Chapter 13**
Moyett, Jr., Jose L.

Debtors/ Respondents : 15-11602 sr

**Answer to Motion of
For Relief from Automatic Stay**

Debtor, , Jose L. Moyett, Jr., by and through his undersigned attorney, hereby provides the following answers to the Motion for Relief from Stay filed by M&T Bank . ("Movant"). These responses are made without prejudice to debtor's right to present additional facts or contentions at trial based upon information hereinafter obtained or evaluated. Debtor specifically reserves the right to supplement or amend his responses or present additional facts and contentions at a later date to any of the answers given.

1. Denied. The allegation contained herein are directed to a party other than the answering debtor, and they are denied as no response is required.

2. Admitted in part. It is admitted that "Debtor is the owner of the premises 5241 Whitaker Avenue, Philadelphia, PA 19124". The remaining averment contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required.

3. Denied. The averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required.

4. Admitted.

5. Denied. At the time of filing, client due for one payment a number of accumulated late charges. To the contrary, there was no mortgage foreclosure action instigated against the Debtor. By way of further response, the filing of a bankruptcy petition immediately puts into effect the automatic stay, which prevents creditors from taking any further actions against the debtor or the debtor's property with respect to claims arising prior to commencement of the case. See 11 U.S.C. Section 362. By way of further answer, the allegation contained herein are directed to a party other than the answering debtor, and they are denied as no response is required. Proof thereof is demanded

6. Denied The averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required. By way of further response, Debtor was

approved for a trial mortgage loan modification on or about September 20, 2016 and the monthly mortgage payment amount may have changed.

7. Denied. To the contrary, Debtor claims he made all requested payments per the request of the Movant per the approved trial mortgage modification.

8. Denied. Strict proof is hereby demanded.

9. Denied. The allegation is a legal conclusion of law to which no answer is required.

10. Denied. Strict proof is hereby demanded

For the reasons set forth above, among others, and based on this Court's authority under the Bankruptcy Code, the Debtor prays that the motion be denied, and such other relief as is just and proper. The Debtor specifically reserves the right to supplement the answer at or prior to the hearing thereon.

Dated: May 7, 2017

"/s/" Mitchell J. Prince
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